

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of said County of Rockingham and now attending said Court at its June term, 1924, upon their oaths do present that Perry Smith, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully manufacture, sell, offer, keep, store and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

The jurors aforesaid upon their oaths aforesaid do further present that Perry Smith, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully have in his possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that Perry Smith, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of John S. Funk, C. W. Dove, R. M. Burke, B. O. Cooper and W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence.

evidence.

Witnesses sworn in Court and sent before the Grand Jury to give
Punk, C. W. Dove, R. M. Burke, W. O. Cooper and W. T. Rexrode,

This indictment is found on the testimony of John S.

dignity of the Commonwealth of Virginia.

And the Jurors aforesaid upon their oaths aforesaid
do further present that Perry Smith, within one Year next prior
to the finding of this indictment, in the said County of Rocking-

the peace and dignity of the Commonwealth of Virginia.

the finding of this indictment, in the said County of Rockingham,

The Jurors aforesaid upon their oaths aforesaid do

and expose for sale. Give and receive orders against the peace
Rockingham, did unlawfully

Commonwealth

Perry Smith

Misdemeanor

A True Bill:

John H. Keenan
Foreman

Evidence with heard
June 16 1924

D. W. Earman
Commonwealth's Attorney

Viol. Pro Act ✓

In the Circuit Court of said County:

COUNTY OF ROCKINGHAM, to-wit:

COMMONWEALTH OF VIRGINIA,

Commonwealth of Virginia—~~City~~, County, *Rockingham* to-wit:

To the Prohibition Inspectors, Sheriffs, Sergeants, and all Police Officers and Constables of the State of Virginia—Greeting:

WHEREAS *John S. Funk* *Gen. Insp. Agent* of the said City County has this day made complaint and information on oath before me, *R. H. Bridges* *J.P.* of the said City County that he verily believes, that in the said City County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain *Dwelling house & Out buildings* by one *Perry Smith*

(b) A still, still cap, worm, tubs, fermenters and other appliances connected with such still and used, and mash and other substances, capable of being used, in the manufacture of Ardent Spirits, are unlawfully in the possession of, and unlawfully used by one *Perry Smith*

in a certain *Dwelling house & Out buildings*

(c) Ardent Spirits are being unlawfully kept, held, stored, concealed, used, sold, and unlawfully transported in certain baggage or a certain vehicle, to-wit: a certain by one

And there being reasonable cause for such belief:

THESE ARE, THEREFORE, IN THE NAME OF THE COMMONWEALTH OF VIRGINIA, to command you, with all necessary and proper speed and assistance, to search the house, place, baggage, boat or vehicle herein designated, either in day or night, and seize such ardent spirits and their containers and other things apparently possessed or used in violation of law, and bring the same and the person or persons, in whose possession they are found, and also any person resisting, impeding, obstructing, or in any manner hindering or delaying you in the execution of this warrant before me, or some other officer having jurisdiction of the case, to be disposed of and dealt with according to law; and make return of this warrant showing all acts and things done thereunder, with a particular statement and sufficient description of the things seized and the name of the person in whose possession found, if any, and if not found in the possession of any one, so state in your return, and post a true copy of this warrant and the return thereof, as required by law.

Given under my hand and seal this *15th* day of *June* 192 *4*
R. H. Bridges (SEAL)
Justice of Peace

DIRECTIONS

1. If only Ardent Spirits and containers be seized, the Magistrate shall fix a time not less than 10 nor more than 30 days from the date of return, for the hearing of said return. If no claimant appear, the Ardent Spirits and articles are to be forfeited to Commonwealth. Any person claiming any of same must file a written claim stating particularly the character and extent of his interest therein, whereupon the Magistrate shall certify the warrant, written claim and articles claimed, to the Circuit or Corporation Court, as the case may be, for determination, and declare the unclaimed articles forfeited.

2. If still, still cap. worm, tubs, heater, fermenters, or any appliance connected with a still and used, or mash or other substance capable of being used, in the manufacture of Ardent Spirits, be seized, the mash (after taking a sample) shall be destroyed, and the facts and articles seized reported to the Prohibition Director and Commonwealth's Attorney. (A copy of this warrant and proper return will be a sufficient notice and report.) Ardent Spirits and containers disposed of as in No. 1 above.

3. If Ardent Spirits are being transported in an automobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be delivered to the Sergeant of the City, the facts reported to the Prohibition Director and Commonwealth's Attorney and Ardent Spirits and containers disposed of as provided in No. 1 above. (A copy of this warrant and proper return will be a sufficient report.)

4. A copy of this warrant and the return thereon must be posted at the front door of the house, or on the door of the room, or on the premises at the place the Ardent Spirits may be found.

See Sections 21 1-2, 22, 23, 23 1-2, 57 and 57 1-2. Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia vs.

Perry Smith

Executed the within warrant this 6th day of June, 1924, by searching the within stated dwellings out buildings (Here state house, room, place,

and by seizing the following described Ardent Spirits and other things therein found (and arresting the above named person found in possession thereof) and by posting a true copy of this warrant and the return

hereon on the (Here say place, house, room, boat, auto or baggage, or as case may be)

as front door of house, door of room or premises)

Description of Ardent Spirits and other things

seized Finding 1 barrel containing 15 gallons of Pure mash and arresting Perry Smith and delivering his body before H. J. Arguebright J. P.

Given under my hand this 6th day of June, 1924.

H. J. Resman State Inspector Title

The following named officers and persons assisted me in the execution of this warrant:

J. S. Frank, G. W. Dove, R. M. Brink

Other than above stated the following are witnesses:

B. A. Cooper, W. S. Savage

This matter set for hearing on the day of 1924.

No claim of ownership or interest in any of the said things seized having been filed herein in compliance with the law, the same are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this day of 1924.

Title of Magistrate.

Written claim of ownership or interest having been filed to certain of the said things herein seized, this warrant, the said claim and the things in the claim particularly described, are hereby certified to the Court of this for determination and the said things unclaimed are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this day of 1924.

Title of Magistrate.

NOTE.—Unless warrant issued for Ardent Spirits being transported in vehicle, boat or baggage, it is to be returned to the jurisdiction from which issued. If issued for Ardent Spirits so transported, it can be executed in any part of the State, and returned to any justice in any county or city through which they were carried.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

John S. Funk, C. W. Dove, R. M. Burke, B. O. Cooper, W. T. Rexrode

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the **16th** day of **June** 19**24**, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

Perry Smith

who stands charged with and indicted for a felony misdemeanor.

And this **they** shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the **11th** day of **June**, 19**24**, and in the 14**8**th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed June 14, 1934 by unanimous
The within named each in person,

J. W. Dow, Sr. J. R.

Name of the Commonwealth of Virginia:
To the Hon. of Rockingham County, Virginia:

Com.

vs

Perry Smith

Grand Jury

Sherriff fee 2.50

entered

Rockingham County State of Virginia.

Perry Smith The Accused was brought before me F. J. Argenbright
a Justice of Said County. and received his preliminary hearing
and not having any one to go his Surety is hereby Committed to
The County Jail of the Said County to await the action of
The Grand Jury on the first day of the next term of the Circuit
Court of Said County. Said Smith is charged with having in
his possession One Barrel containing 15 gal Rye Mash.

Given under my hand This the 7th day of June 1924

F. J. Argenbright J.P.

[Faint, illegible handwriting on aged paper, possibly bleed-through from the reverse side. The text is mirrored across a horizontal fold line.]

June Term 1924 #123
Penny Smith

ads Indictment for a Misd.
(Prohibition)

Commonwealth

Plea of guilty

Evidence heard 6/14/24

48
1.25
2.50
630

Sheriff Costs

Summons 2.50

Arrest 1.50

Search warrant 1.00

Premium 10.00

15.00



20-4446